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24 UNITED STATES DISTRICT COURT

25 NORTHERN DISTRICT OF CALIFORNIA

26 ROBERT LYNCH, Derivatively on Behalf of) No. C-06-07660-RMW
27 FINISAR CORPORATION,)
28 Plaintiff,) STIPULATION AND [] ORDER
vs.) REGARDING ADMINISTRATIVE
JERRY S. RAWLS, et al.,) MOTION TO CONSIDER WHETHER
Defendants,) CASES SHOULD BE RELATED
– and –)
FINISAR CORPORATION, a Delaware)
corporation,)
Nominal Defendant.)

29 [Caption continued on following page.]

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1 LYNN SHORT, Derivatively on Behalf of) No. C-06-07661-RMW
2 FINISAR CORPORATION,)
3 Plaintiff,)
4 vs.)
5 JERRY S. RAWLS, et al.,)
6 Defendants,)
7 – and –)
8 FINISAR CORPORATION, a Delaware)
corporation,)
9 Nominal Defendant.)
10 CITY OF WORCESTER RETIREMENT) No. C-06-07848-RS
11 SYSTEM, Derivatively on Behalf of Nominal)
12 Defendant FINISAR CORPORATION,)
13 Plaintiff,)
14 vs.)
15 JERRY S. RAWLS, et al.)
16 Defendants,)
17 – and –)
18 FINISAR CORPORATION,)
19 Nominal Defendant.)
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1 WHEREAS, the parties believe that the actions *Lynch v. Rawls, et al.*, C-06-07660-RS, filed
2 December 14, 2006, *Short v. Rawls, et al.*, C-06-07661-RMW, filed December 14, 2006, and *City of*
3 *Worcester¹ Retirement System v. Rawls, et al.*, C-06-07848-RS, filed December 22, 2006, all involve
4 substantially similar questions of law and fact;

5 WHEREAS, this Court has already related the *Lynch* and *City of Worcester* Actions in the
6 Related Case Order issued January 3, 2007;

7 WHEREAS, the parties believe the *Short Action* is a “related case” to the *Lynch and City of*
8 *Worcester Actions* under Northern District of California Civil Local Rule 3-12(a); and

9 WHEREAS, the parties believe that treatment of all three Actions as related would serve the
10 interests of judicial economy and avoid the potential for conflicting rulings.

IT IS HEREBY STIPULATED AND AGREED that *Lynch v. Rawls, et al.*, C-06-07660-RS,
Short v. Rawls, et al., C-06-07661-RMW, and *City of Worcester Retirement System v. Rawls, et al.*,
C-06-07848-RS, should all three be deemed related.

14 || IT IS SO STIPULATED.

15 | DATED: January 11, 2007

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/S/
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²⁷ Due to a typographical error, the initial complaint misspelled Worcester as Winchester.

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9 Counsel for Plaintiffs Lynn Short and Robert
10 Lynch and [Proposed] Co-Lead Counsel for
11 Plaintiffs

12 DATED: January 11, 2007

13 SAXENA WHITE P.A.
14 MAYA SAXENA
15 JOSEPH E. WHITE

16 _____/s/
17 MAYA SAXENA

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21 Counsel for Plaintiff City of Worcester
22 Retirement System and [Proposed] Co-Lead
23 Counsel for Plaintiffs

24 I, Aelish M. Baig, am the ECF User whose ID and password are being used to file this
25 STIPULATION AND [PROPOSED] ORDER REGARDING ADMINISTRATIVE MOTION TO
26 CONSIDER WHETHER CASES SHOULD BE RELATED. In compliance with General Order 45,
27 X.B., I hereby attest that Maya Saxena has concurred in this filing.

28 DATED: January 11, 2007

DLA PIPER
DAVID A. PRIEBE

29 _____/s/
30 DAVID A. PRIEBE

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35 Attorneys for Defendants

36 STIPULATION AND [] ORDER REGARDING ADMINISTRATIVE MOTION TO
37 CONSIDER WHETHER CASES SHOULD BE RELATED - C-06-07660-RS

1 I, Aelish M. Baig, am the ECF User whose ID and password are being used to file this
2 STIPULATION AND [PROPOSED] ORDER REGARDING ADMINISTRATIVE MOTION TO
3 CONSIDER WHETHER CASES SHOULD BE RELATED. In compliance with General Order 45,
4 X.B., I hereby attest that David A. Priebe has concurred in this filing.

5 * * *

6 **O R D E R**

7 Having considered the parties' Stipulation, and good cause appearing, the Court hereby
8 GRANTS the parties' Stipulation.

9 IT IS SO ORDERED.

10 DATED: 1/22/07

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Ronald M. Whyte

12 THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/S/

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Mailing Information for a Case 5:06-cv-07660-RS

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)